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DEC 02 2005

Petition to Revive Unintentionally Abandoned Patent Application	Application No.:	09/686,136
	Appl'n Filing Date:	October 11, 2000
	Examiner:	Tam T. PHAN
	Art Unit:	2144
	Attorney Docket:	1301U005
	First Inventor:	Frederick MALMER
	Title of Invention:	SYSTEM AND METHOD FOR PROVIDING A WEB-BASED OPERATING SYSTEM

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified patent application became abandoned for failure to file a reply to a FIRST OFFICE ACTION dated September 2, 2004. The mailing date of any NOTICE OF ABANDONMENT is presently unknown. The application thus became abandoned on December 2, 2004, one year before the filing of this petition and before the presumptive date of any Notice of Abandonment.

Applicant hereby petitions for revival of this patent application.

Applicant hereby states that the entire delay in filing the required reply (accompanying this petition) until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Additional information supporting this petition is provided as follows.

Under MPEP § 711.03(c)(D), because this petition is not being filed within three months of the NOTICE OF ABANDONMENT, Applicant provides the following showing of how this delay was unintentional. According to the best understanding of the undersigned attorney:

- 1• This application was formally assigned to WebOS, Inc. at the time of filing.

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- 2• The responsible attorneys for this application, from the time of filing through the time of abandonment, were Cooley Godward, LLP. of Reston, VA, who were retained by their client, WebOS, Inc.
- 3• At some time subsequent to the filing of this application, and to the best knowledge of the undersigned, sometime during the 2001 calendar year, WebOS, Inc. became a defunct corporation.
- 4• Subsequent to the demise of WebOS, Inc., this application was transferred by agreement to Application Corporation, a Delaware Corporation, although no formal Assignment to this effect was filed with the U.S. Patent and Trademark Office.
- 5• Application Corporation never notified Cooley Godward of the change of ownership.
- 6• Cooley Godward received the First Office Action dated September 4, 2004. No reporting letter for this Office Action was ever issued by Cooley Godward.
- 7• At some time subsequent to the mailing of the First Office Action, and prior to December of 2004, Cooley Godward was instructed by inventor Shervin Pischevar, former CEO of WebOS, Inc. and then an officer of Application Corporation, to send their file and all records corresponding to this application to his corporate attorney who is not registered with the U.S. Patent and Trademark Office, for temporary keeping.
- 8• Between March 2005 and September 2005, Shervin Pischevar, now an officer of Freewebs Corporation, negotiated with Application Corporation for the rights to this application.
- 9• The undersigned representative, a sole practitioner, was contacted on or about May 25, 2005 with only the Serial No., filing date and title of this application and was requested to prepare a formal Assignment, as well as transfer of Powers of Attorney (copies of each included herewith), which were executed on June 3, 2005 by Freewebs Corporation, although the terms of release were not completed until September 2005.
- 10• On October 24, 2005, the file and records corresponding to this application were received by the undersigned representative.
- 11 Due to existing work due for other Freeweb patent applications, as well as other clients, the outstanding First Office Action was not discovered until about November 12, 2005.
- 12• Between November 12, 2005 and December 1, 2005, a response to the First Office Action was prepared by the undersigned representative, including consultation with the original inventors, some of whom are no longer affiliated with the corporate owners of this application, or with its predecessor owners.
- 13• On December 2, 2005, this Petition to Revive is being filed, along with a response to the First Office Action and the fees required to revive the application.

Accordingly, the foregoing explanation of the delay in responding to the First Office Action supports the unintentional nature of the abandonment of this patent application.

The Commissioner may charge fee deficiencies or credit overpayments to Deposit Account 50-2396 (Axiom Legal).

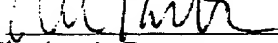
The following documents are being filed by Certificate of Mailing today, December 2, 2005:

This PETITION TO REVIVE and accompanying transmittal letter and fee transmittal;
Copy of REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND
CHANGE OF CORRESPONDENCE ADDRESS;
Copy of Assignment to Freewebs Corporation; and
Credit Card Payment Form including payment for \$750.00 (small entity fee due)

Telephone calls concerning this petition should be directed to the undersigned attorney.

Respectfully submitted,

Date: December 2, 2005

By: 
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